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Osamu Takahashi

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OLIFF & BERRIDGE, PLC

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EXAMINER

EBRAHIMI DEHKORDY, SAIED

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/813,271

**Applicant(s)**

TAKAHASHI, OSAMU

**Examiner**

SAEID EBRAHIMI DEHKORDY

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/6/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23, 25, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23, 25-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishimoto (JP-A-11-240226)

**Regarding claim 1, 21 and 25-26** Kishimoto discloses: A print controller (note paragraph 018, the computer) for controlling an image print unit to print an index image on a recording medium to be used for separation when a printed record medium is recycled (note paragraph 0003, also note paragraphs 0030-0031) comprising: an output unit that outputs image data representing an image to be printed on the record medium to the image print unit (note paragraphs 0011-0014) and an index unit that determines the index image to be printed on the record medium together with the image by the image print unit based on a printing condition (note paragraphs 0011-0014, wherein the index image is presented on the paper as determined).

**Regarding claim 2** Kishimoto discloses: The print controller as claimed in claim 1, wherein the printing condition is determined based on at least one of the image data and type of the record medium (note paragraphs 0030-0031).

**Regarding claim 3** Kishimoto discloses: The print controller as claimed in claim 1, further comprising: an index print unit that produces image data representing the index image (note paragraph 0030).

**Regarding claim 4** Kishimoto discloses: The print controller as claimed in claim 3, wherein the

index print unit causes the output unit to output the image data so as to include the image data representing the index image (note paragraphs 0117-0118).

**Regarding claim 5** Kishimoto discloses: The print controller as claimed in claim 1, wherein the index unit includes a print ratio calculation unit that calculates the occupation ratio of the image to the record medium on which the image is printed as a print ratio; and the index unit determines the index image based on the print ratio (note paragraphs 0050-0054).

**Regarding claim 6** Kishimoto discloses: The print controller as claimed in claim 5, wherein the print ratio calculation unit calculates the print ratio based on the number of pixels of the image to be printed (note paragraph 0017).

**Regarding claim 7** Kishimoto discloses: The print controller as claimed in claim 5, wherein the print ratio represents the ratio of the area of the image to the area of both sides of the record medium on which the image is to be printed (note paragraphs 0085-0095).

**Regarding claim 8** Kishimoto discloses: The print controller as claimed in claim 5, wherein the index unit determines a group name for the separation and determines the index image so as to represent the group name (note paragraphs 0017-0029).

**Regarding claim 9** Kishimoto discloses: The print controller as claimed in claim 8, wherein the index unit determines the group name based on color of the image (note paragraphs 0117-0119 and 0127-128).

**Regarding claim 10** Kishimoto discloses: The print controller as claimed in claim 1, further comprising: a medium judgment unit that judges a type of the record medium; wherein the index unit determines the index image based on the type of the record medium (note paragraphs 001-0013).

**Regarding claim 11** Kishimoto discloses: The print controller as claimed in claim 10, wherein the medium judgment unit judges the type of the record medium based on an entry operation (note paragraphs 0030-0031).

**Regarding claim 12** Kishimoto discloses: The print controller as claimed in claim 10, wherein the index unit determines a group name for the separation based on the type of the record medium and determines the index image so as to represent the group name (note paragraphs 0052-0055).

**Regarding claim 13** Kishimoto discloses: The print controller as claimed in claim 1, wherein the index unit determines a group name for the separation and determines the index image so as to represent the group name; and the index unit changes a criterion for determining the group name based on entry operation (note Figs.36&47, paragraphs 0116-0120).

**Regarding claim 14** Kishimoto discloses: The print controller as claimed in claim 1, wherein the index image includes a bar code representing an index indication description thereof (note paragraphs 0037-0040).

**Regarding claim 15** Kishimoto discloses: The print controller as claimed in claim 5, wherein the index image includes the print ratio (note paragraphs 0050-0057).

**Regarding claim 16** Kishimoto discloses: The print controller as claimed in claim 3, wherein the index print unit causes the image print unit to print the index image on the same side of the record medium as the image (note Fig.5).

**Regarding claim 17** Kishimoto discloses: The print controller as claimed in claims 1, further comprising an inhibition unit that inhibits an operation of the index print unit based on entry operation (note 0033-0040).

**Regarding claim 18** Kishimoto discloses: The print controller as claimed in claims 1, wherein the index unit decides the index image based on color of the image (note paragraphs 0127-0129).

**Regarding claim 19** Kishimoto discloses: The print controller as claimed in claims 1, wherein the index unit decides the index image based on a size of the recording medium (note paragraphs 0043-0044).

**Regarding claim 20** Kishimoto discloses: The print controller as claimed in claims 1, wherein the index unit decides the index image based on a content of the image (note paragraphs 0044-0045, paragraphs 0055-0056).

**Regarding claim 22** Kishimoto discloses: The image forming apparatus as claimed in claim 21, further comprising a scanner to scan an image from an original; and a data producing unit that produces the image data based on the scanned image; wherein the output unit outputs the image data produced by the data producing unit (note paragraphs 0116-0118).

**Regarding claim 23** Kishimoto discloses: The image forming apparatus as claimed in claim 21, wherein the image forming apparatus is capable of receiving data from an external data sending apparatus; the image forming apparatus further comprising a data receiving unit that receives data; and a data producing unit that produces the image data based on the received data; wherein the output unit outputs the image data produced by the data producing unit (paragraphs 0017-0019 and paragraphs 0030-0032).

**Regarding claim 28** Kishimoto discloses: A controller for an image forming apparatus to form an image on a recording medium, comprising: an output unit that outputs image data representing the image to be on the recording medium to the image forming apparatus (note paragraphs 0052-0054) a medium judging unit that judges the type of the recording medium

(note paragraphs 0029-0032) and an additional image selecting unit that selects a first image to be additionally formed on the recording medium together with the image when the judged type of recording medium falls under a predetermined category and selects a second image to be additionally formed on the recording medium together with the image when the judged type of recording medium is out of the predetermined category (note 0017-0019 also note 0029-0030 and 0052-0053 and 0127-136).

### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Saeid Ebrahimi-dehKordy/

Primary Examiner, Art Unit 2625

February 28, 2009